

AMENDED IN ASSEMBLY JUNE 5, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3481**

**Introduced by Assembly Member Burton**

April 9, 1996

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An act to amend Section 84305.5 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3481, as amended, Burton. Political Reform Act of 1974: slate mailers.

Existing provisions of the Political Reform Act of 1974 provide that no slate mailer, as defined, shall be mailed unless, among other things, it identifies the slate mailer organization or ballot measure committee in specified places on the mailer, it states that the mailer was not prepared by an official political party organization, it identifies the candidates and measures who paid to appear in the mailer, and it identifies the political party of candidates appearing in the mailer who are not from the same political party that the mailer appears to represent.

This bill would add the requirement that a slate mailer state, as to any ~~ballot measure~~ or candidate endorsed in the mailer who is not from the same political party that the mailer appears to represent, that the endorsement is not the official position of the political party that the mailer appears to

represent. This bill would require that this information appear in the mailer in a specified location and in a specified type size.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on certain persons who violate the provisions of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a  $\frac{2}{3}$  vote.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 84305.5 of the Government  
2 Code is amended to read:  
3 84305.5. (a) No slate mailer organization or  
4 committee primarily formed to support or oppose one or  
5 more ballot measures shall send a slate mailer unless:  
6 (1) The name, street address, and city of the slate  
7 mailer organization or committee primarily formed to  
8 support or oppose one or more ballot measures are shown  
9 on the outside of each piece of slate mail and on at least  
10 one of the inserts included with each piece of slate mail  
11 in no less than 8-point roman type which shall be in a color  
12 or print which contrasts with the background so as to be  
13 easily legible. A post office box may be stated in lieu of a  
14 street address if the street address of the slate mailer

organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an \*.

(3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an \*. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an \*.

The \* required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure

1 name or number and position advocated to which the \*  
2 designation applies except that in no case shall the \* be  
3 required to be larger than 10-point boldface type. The  
4 designation shall immediately follow the name of the  
5 candidate, or the name or number and position  
6 advocated on the ballot measure where the designation  
7 appears in the slate of candidates and measures. If there  
8 is no slate listing, the designation shall appear at least once  
9 in at least 8-point boldface type, immediately following  
10 the name of the candidate, or the name or number and  
11 position advocated on the ballot measure.

12 (5) The name of any candidate appearing in the slate  
13 mailer who is a member of a political party differing from  
14 the political party which the mailer appears by  
15 representation or indicia to represent is accompanied,  
16 immediately below the name, by the party designation of  
17 the candidate, in no less than 9-point roman type which  
18 shall be in a color or print that contrasts with the  
19 background so as to be easily legible. The designation  
20 shall not be required in the case of candidates for  
21 nonpartisan office.

22 (6) Any ~~ballot measure~~ or candidate endorsement  
23 appearing in the slate mailer ~~which~~ *that* differs from the  
24 official endorsement of the political party which the  
25 mailer appears by representation or indicia to represent  
26 is accompanied, immediately below the ~~ballot measure~~  
27 ~~and~~ endorsement, in no less than 9-point roman boldface  
28 type which shall be in a color or print that contrasts with  
29 the background so as to be easily legible, the following  
30 notice: THIS IS NOT THE POSITION OF THE (political  
31 party which the mailer appears by representation or  
32 indicia to represent) PARTY.

33 (b) For purposes of the designations required by  
34 paragraph (4) of subdivision (a), the payment of any sum  
35 made reportable by subdivision (c) of Section 84219 by or  
36 at the behest of a candidate or committee, whose name  
37 or position appears in the mailer, to the slate mailer  
38 organization or committee primarily formed to support  
39 or oppose one or more ballot measures, shall constitute a  
40 payment to appear, requiring the \* designation. The

1 payment shall also be deemed to constitute authorization  
2 to appear in the mailer.

3 (c) A slate mailer that complies with this section shall  
4 be deemed to satisfy the requirements of Sections 20003  
5 and 20004 of the Elections Code.

6 SEC. 2. No reimbursement is required by this act  
7 pursuant to Section 6 of Article XIII B of the California  
8 Constitution because the only costs that may be incurred  
9 by a local agency or school district will be incurred  
10 because this act creates a new crime or infraction,  
11 eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section  
13 17556 of the Government Code, or changes the definition  
14 of a crime within the meaning of Section 6 of Article  
15 XIII B of the California Constitution.

16 Notwithstanding Section 17580 of the Government  
17 Code, unless otherwise specified, the provisions of this act  
18 shall become operative on the same date that the act  
19 takes effect pursuant to the California Constitution.

20 SEC. 3. The Legislature finds and declares that the  
21 provisions of this act further the purpose of the Political  
22 Reform Act of 1974 within the meaning of subdivision (a)  
23 of Section 81012 of the Government Code.

24 SEC. 4. This act is an urgency statute necessary for the  
25 immediate preservation of the public peace, health, or  
26 safety within the meaning of Article IV of the  
27 Constitution and shall go into immediate effect. The facts  
28 constituting the necessity are:

29 In order to provide voters with sufficient information  
30 with which to make an informed choice on ~~ballot~~  
31 ~~measures~~—and candidates at the November 5, 1996,  
32 statewide election and any intervening elections, it is  
33 necessary that this act take effect immediately.